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MISCELLANEOUS DOCUMENTS

OFFICER SHOOTING FORM

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 05/16/13	Bureau/Station/Facility: SPD/LKD	Admin. Invest.? ☐	Hit? ☑

Incident Information

URN: 013-09506-1364-013	Date: 05/14/13 Time: 2115
City or Station: Paramount	Nature of Incident: Deputies [redacted] and Mabee attempted to detain the susp, a struggle ensued. The susp grabbed [redacted] holster/gun disabling the safety strap. Dep. Mabee fired one round @ the suspect, striking him.
Location: [redacted] Richfield Avenue	

Location Type (*check one or more*):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☑ Residence
- ☐ Rural
- ☐ School
- ☐ Street
- Other: Sidewalk

Lighting (*check only one*):
- ☑ Darkness
- ☐ Daylight
- ☐ Other
- ☑ Street Lights

Weather (*circle only one*):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance: 1-2 inches

Incident Type (*check one or more*):
- ☐ Accidental
- ☐ Armed Person
- ☐ Fleeing Suspect
- ☐ Foot Pursuit
- ☑ Gun Take Away
- ☐ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☑ Traffic Stop
- ☑ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other: Bicyclist

Initiated by (*check only one*):
- ☐ Arrest Warrant
- ☐ Call
- ☐ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☑ Two Person Unit

Prior Activity (*check only one*):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Total # of Shots Fired by Deputy: 1

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	[redacted]	[redacted]	[redacted].	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.			
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name	First Name	M.I.			
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name	First Name	M.I.			
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Castaneda	Mario	D.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
				☐ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Nicassio	Joseph	E.

PSTD Use Only

SH # 2334516 & FO2334520

Officer Involved Shooting

RN: 013-09506-1364-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05/14/13	2315	11/19/14	January 23, 2014

Employee #	Last Name	First Name	M.I.
[redacted]	Johnson	Myron	R.
[redacted]	Grote	Dinah	L.
[redacted]	Graham	Scott	A.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S	E#1	RS, UC					AB	HD
S	E#1	PH					CP	GR
S	E#1	FO	BR	9			NN	
E#1	S	FH	SS	45	Y	Y	GS, DH	AD

Officer Involved Shooting
Involved Employee Information

URN: 013-09506-1364-013

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Involved Employee

E 1

Field	Value
Employee #	[redacted]
Last Name	Mabee
First Name	Michael
M.I.	J.
Sex	M
Race	W
Rank	DSG
Unit Assignment	LKD
Work Assignment (Unit #, Module, etc.)	136H
ShiftTime (*circle only one*)	☐ EM ☑ PM ☐ Day
ShiftType (*circle only one*)	☑ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☑
Hrs of sleep prior to shooting	9
Duty Time (hrs)	
Clothing (*circle only one*)	☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest
Other Factors	
Age	[redacted]
Height	6' 00"
Weight	190
Range Qualification Date	[redacted]
PPC Qualification Date	[redacted]
Laser Training Date	[redacted]
Certified with Weapon Used?	[redacted]
Patrol Certification?	[redacted]
Certification Unit	[redacted]
Prior Shootings?	[redacted]
Number of Prior Shootings	[redacted]
Directed Force	[redacted]
Weapons Fired Brand	Sig Sauer
Caliber	45
# Shots	1
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]
Field Training Officer Emp #	[redacted]
Last Name	[redacted]
First Name	[redacted]
M.I.	[redacted]

E

Field	Value
Employee #	
Last Name	
First Name	
M.I.	
Sex	
Race	
Rank	
Unit Assignment	
Work Assignment (Unit #, Module, etc.)	
ShiftTime (*circle only one*)	☐ EM ☐ PM ☐ Day
ShiftType (*circle only one*)	☐ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	
Duty Time (hrs)	
Clothing (*circle only one*)	☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest
Other Factors	
Age	
Height	
Weight	
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	☐
Patrol Certification?	☐
Certification Unit	
Prior Shootings?	☐
Number of Prior Shootings	
Directed Force	☐
Weapons Fired Brand	
Caliber	
# Shots	
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	

E

Field	Value
Employee #	
Last Name	
First Name	
M.I.	
Sex	
Race	
Rank	
Unit Assignment	
Work Assignment (Unit #, Module, etc.)	
ShiftTime (*circle only one*)	☐ EM ☐ PM ☐ Day
ShiftType (*circle only one*)	☐ Regular ☐ Overtime ☐ Off Duty
Intoxication/Drug Usage?	☐
Substance Used	
Hospital Admission?	☐
Hospital Name	
Coroner Case?	☐
Coroner Case #	
Interviewed?	☐
Hrs of sleep prior to shooting	
Duty Time (hrs)	
Clothing (*circle only one*)	☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest
Other Factors	
Age	
Height	
Weight	
Range Qualification Date	
PPC Qualification Date	
Laser Training Date	
Certified with Weapon Used?	☐
Patrol Certification?	☐
Certification Unit	
Prior Shootings?	☐
Number of Prior Shootings	
Directed Force	☐
Weapons Fired Brand	
Caliber	
# Shots	
Weapons Fired Brand	
Caliber	
# Shots	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	
Field Training Officer Emp #	
Last Name	
First Name	
M.I.	

SUPERVISOR'S REPORT ON USE OF FORCE

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 013-09506-1364-013	Date: 05/14/13	Time: 2115	
Location: [redacted] Richfield Avenue		City or Station: Paramount	
Bureau/Station/Facility: SPD/LKD		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Personal Weapons (Hands, fists and knee)			
Incident Category: ○1 ○2 ◉3	Deputy Injury: ◉ YES ○ NO	Suspect Injury ◉ YES ○ NO	
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. Myron Johnson	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E 1

[redacted]	Last Name: Mabee		First Name: Michael		Middle I.: J.	Rank: DSG
Sex: ◉ M ○ F	Race: W	Height: 6' 00"	Weight: 190	Age:	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: LKD			Work Assignment (Unit #, Module, etc.): 136H			
Individual Force Used: Personal weapons (hands, fists, knee) and handcuffing.			○ Directed ○ Rescue ○ Medical Assist		Individual Category ○1 ○2 ◉3	
☒ Injured ☐ Treated ☐ Admitted	Facility:				Coroner Case #	

E 2

[redacted]	Last Name: [redacted]		First Name: [redacted]		Middle I.: [redacted]	Rank: DSG
Sex: ◉ M ○ F	Race: W	Height: 6' 00"	Weight: 180	Age:	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: LKD			Work Assignment (Unit #, Module, etc.): 136H			
Individual Force Used: Personal weapons (hands).			○ Directed ○ Rescue ○ Medical Assist		Individual Category ○1 ◉2 ○3	
☒ Injured ☐ Treated ☐ Admitted	Facility:				Coroner Case #	

E_

Employee #	Last Name		First Name		Middle I.	Rank
Sex: ○ M ○ F	Race:	Height:	Weight:	Age:	Shift: ○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:			Work Assignment (Unit #, Module, etc.):			
Individual Force Used:			○ Directed ○ Rescue ○ Medical Assist		Individual Category ○1 ○2 ○3	
☐ Injured ☐ Treated ☐ Admitted	Facility:				Coroner Case #	

☐ Additional Involved Employees

On Duty Supervisor

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Casteneda	Mario	D.	SGT.	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Grote	Dinah	L.	SGT.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Nicassio	Joseph	E.	LT.

Watch Commander / Supervising Lieutenant's **Signature**: ______ Date ______ Copy Provided to Employee by: [redacted] Emp #: ______

Keith E. Swennsson

Unit Commander (**Print Name**) ______ Unit Commander's **Signature**: ______ Emp #: ______ Date ______

DISCOVERY Use Only
FO# 2334520

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

013 - 09506 - 1364 - 013

Suspect Information

S 1

Last Name: Ochoa | First Name: Ignacio | Middle Name: Demetrio | Armed? Select: Other

AKA Last Name: Ochoa | First Name: Ignacio | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 37 | Height: 5' 08" | Weight: 163 | D.O.B: 12/22/75 | Phone #1: ( ) H ( ) W ( ) C none provided | Phone #2: ( ) H ( ) W ( ) C none provided

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: Deceased | Primary Charge Code: | Secondary Charge Code: | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO Name: Captain Ramirez | Unit: Fire Eng. 31 | Phone #: (562) 634-6559

Hospital Admission? ☐ Rec'd Treatment At: St. Francis Medical Ctr. | Coroner Case #: 013-03507 | Mental History ☐ User's guide provides direction on this entry

By: Dr. Dinkins | Address: 3630 E. Imperial Highway, Lynwood | Phone #: (310) 900-8900

Under Influence: (●) YES ( ) NO | Substance: Combination | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO By: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Ochoa	S	[redacted]	E#2	RS, UC	NN	
[redacted]	E#1	Ochoa	S	CT	AB	BK
Mabee	E#2	Ochoa	S	CT	AB	LE, AR
Ochoa	S	[redacted]	E#2	PH/TT	AB	EL
Ochoa	S	[redacted]	E#2	PK	AB	LE
Ochoa	S	[redacted]	E#2	PH	NN	GR
Ochoa	S	[redacted]	E#2	PK	AB	LE
Mabee	E#1	Ochoa	S	PH	AB	FA
Mabee	E#1	Ochoa	S	PO	NN	
Ochoa	S	Mabee	E#1	PH	CP	GR
Ochoa	S	[redacted]	E#2	PH	NN	
Ochoa	S	[redacted]	E#2	FH	NN	
Ochoa	S	Mabee, [redacted]	E1 & E2	TT	NN	
Mabee	E#1	Ochoa	S	RH	NN	
Mabee	E#1	Ochoa	S	FH	DH	AD

INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED, HIT-SHOOTING (suspect deceased) and USE OF FORCE (Category 3)
IAB#'s SH2334516 & FO2334520

URN: 013-09506-1364-013

DATE / TIME: Tuesday, May 14, 2013, 2115 hours

LOCATION: [redacted] Richfield Street, Paramount, CA. 97023
(Public Sidewalk)

SUSPECT: Ignacio Demetrio Ochoa, MH/37, DOB: 12/22/75 (Deceased)

INVOLVED PERSONNEL: Deputy Michael Mabee [redacted] Unit 136H, PM's
Deputy [redacted] Unit 136H, PM's

Internal Affairs Bureau Lieutenants Myron Johnson and Todd Weber, along with Sergeants Dinah Grote and Scott Graham, responded to the Command Post located at Garfield Avenue and Rosecrans Boulevard, in the city of Paramount, wherein a deputy-involved, hit-shooting had occurred.

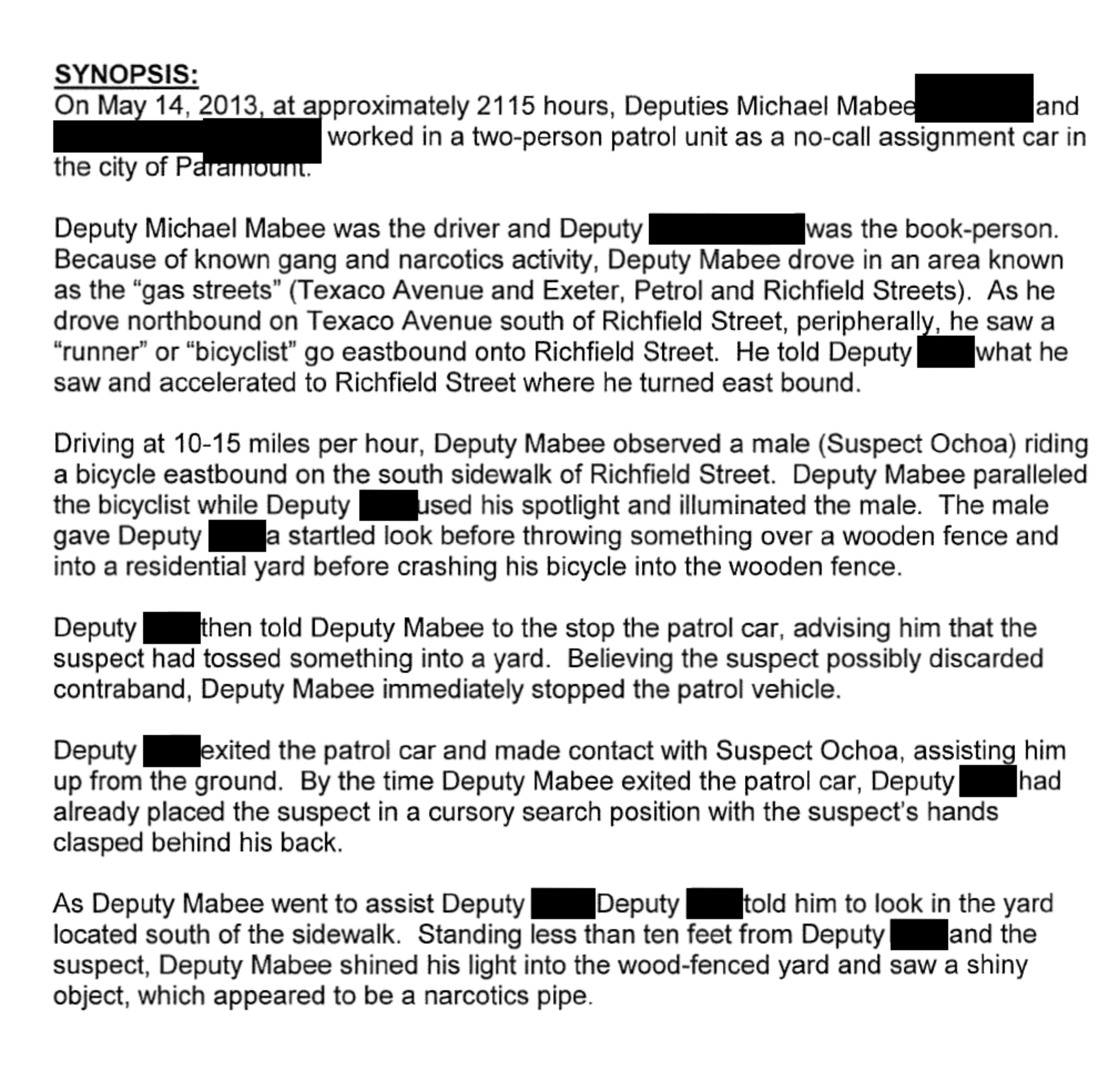
Upon our arrival, we learned that Lakewood Station Deputies Michael Mabee and [redacted] conducted a traffic stop of a bicyclist who discarded possible contraband. The suspect became uncooperative and resisted being handcuffed. A struggle ensued between the deputies and suspect. During the struggle, the suspect unsnapped and pulled on Deputy [redacted] holster and handgun.

Fearing the suspect would disarm and shoot Deputy [redacted] Deputy Mabee fired one round at the suspect, striking him in the abdomen. The suspect no longer struggled and was handcuffed. He was transported to a hospital where he was pronounced dead.

Homicide Detectives Dan McElderry and Sylvia Brossoit responded and handled the crime scene. Attorney Diana Teran of the Office of Independent Review was also notified and responded.

Lieutenant Myron Johnson checked to see that Watch Commander, Lieutenant Joseph Nicassio, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative.

In addition, Lieutenant Johnson checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators. The same information was passed on by Lieutenant Johnson to Lakewood Station Sergeant James Peterson [redacted] who was at the Paramount Sub-Station with Deputies Michael Mabee and [redacted]



SYNOPSIS:
On May 14, 2013, at approximately 2115 hours, Deputies Michael Mabee [redacted] and [redacted] worked in a two-person patrol unit as a no-call assignment car in the city of Pa[redacted]

Deputy Michael Mabee was the driver and Deputy [redacted] was the book-person. Because of known gang and narcotics activity, Deputy Mabee drove in an area known as the "gas streets" (Texaco Avenue and Exeter, Petrol and Richfield Streets). As he drove northbound on Texaco Avenue south of Richfield Street, peripherally, he saw a "runner" or "bicyclist" go eastbound onto Richfield Street. He told Deputy [redacted] what he saw and accelerated to Richfield Street where he turned east bound.

Driving at 10-15 miles per hour, Deputy Mabee observed a male (Suspect Ochoa) riding a bicycle eastbound on the south sidewalk of Richfield Street. Deputy Mabee paralleled the bicyclist while Deputy [redacted] used his spotlight and illuminated the male. The male gave Deputy [redacted] a startled look before throwing something over a wooden fence and into a residential yard before crashing his bicycle into the wooden fence.

Deputy [redacted] then told Deputy Mabee to the stop the patrol car, advising him that the suspect had tossed something into a yard. Believing the suspect possibly discarded contraband, Deputy Mabee immediately stopped the patrol vehicle.

Deputy [redacted] exited the patrol car and made contact with Suspect Ochoa, assisting him up from the ground. By the time Deputy Mabee exited the patrol car, Deputy [redacted] had already placed the suspect in a cursory search position with the suspect's hands clasped behind his back.

As Deputy Mabee went to assist Deputy [redacted] Deputy [redacted] told him to look in the yard located south of the sidewalk. Standing less than ten feet from Deputy [redacted] and the suspect, Deputy Mabee shined his light into the wood-fenced yard and saw a shiny object, which appeared to be a narcotics pipe.

Before Deputy Mabee could retrieve the pipe, Deputy [redacted] advised Deputy Mabee to come and assist him in handcuffing the suspect because the suspect was not cooperating and he ([redacted] did not want the situation to escalate.

Deputy Mabee approached Deputy [redacted] and removed his handcuffs. As Deputy Mabee leaned in front of Deputy [redacted] body and reached across the suspect's arms to apply a handcuff to the suspect's left wrist, the suspect immediately pulled forward and away from Deputy [redacted] in an attempt to break free from Deputy [redacted] grasp, but was successful.

Suspect Ochoa then began to kick and elbow backwards at the deputies while he screamed to be "let go." As Deputy Mabee reached out to grab a hold of the suspect's arms, he dropped his handcuffs onto the ground. Suspect Ochoa then pushed his body backwards into Deputy [redacted] body, which caused them both to fall into the wood fence, then onto the ground.

As Deputy Mabee went to assist Deputy [redacted] Suspect Ochoa jumped to his feet and ran in a northwest direction across the sidewalk. Just as Deputy Mabee arrived, Deputy [redacted] stood up from the ground.

Approximately 10 feet away from the deputies, Suspect Ochoa suddenly stopped on the apron of the driveway and turned toward the deputies. He bent forward at the waist, lowered his head and with outstretched arms, he yelled out something unintelligible as he charged at Deputies Mabee and [redacted] The suspect's head struck the left side of Deputy Mabee's upper chest area and the right side of Deputy [redacted] chest area with his arms encircled around the deputies.

Deputies Mabee and [redacted] ordered the suspect to stop fighting and to lie on the ground, but he did not comply as he pushed his head into their (deputies) bodies. Deputy Mabee punched the left side of Suspect Ochoa's face one to two times with his left fist, punched the left side of the suspect's abdomen/rib cage area one to two times with his right fist, used his right knee in an upward motion to strike the suspect's chest area one to two times and attempted to push the suspect's body backward, which was ineffective.

Deputy Mabee broadcasted [redacted] radio transmissions twice, but did not hear a response from the Sheriff's Communication Center (SCC). When he checked the power switch, he realized it was turned off, which was not that way when he exited his patrol car.

Deputy Mabee then reached across to the left side of his body to remove his baton. As he did this, Suspect Ochoa grabbed his testicles and squeezed so hard that it caused immediate pain to Deputy Mabee.

Just as Deputy Mabee told Deputy [redacted] that the suspect had just grabbed his genitals/groin area, Deputy [redacted] felt a "tug" on his genitals and then felt his holster and gun belt being pulled forward from his body, so he yelled out, "He's got my gun," and "He's going for my gun!"

Believing that the suspect had disarmed Deputy [redacted] or was trying to disarm Deputy [redacted] Deputy Mabee removed his Department-approved Sig Sauer, .45 caliber, semiautomatic, handgun from his holster and placed the barrel against the left side of the suspect's abdomen. He warned Suspect Ochoa to stop fighting or he would be shot, but the suspect did not comply.

Deputy Mabee again heard Deputy [redacted] yell out, "He's got my gun," so Deputy Mabee pulled the trigger. He heard a click sound, but the handgun did not fire. Deputy Mabee realized the slide would not go forward, so he pulled the barrel away from the suspect's abdomen and fired one round into the left side of the suspect's abdomen.

The gunshot had an immediate effect on Suspect Ochoa. He stopped fighting them and dropped his body weight into Deputies Mabee and [redacted] which caused them all to fall onto the ground.

Deputy Mabee rolled Suspect Ochoa onto his stomach and handcuffed him. He then turned the suspect onto his right side so that the gunshot wound was faced upward. He put out emergent radio transmissions and requested an ambulance. Deputy Mabee used his hands to apply pressure to the gunshot wound while they waited for medical personnel to arrive. Although the suspect did not talk to the deputies, he did scream and groan out in pain.

Fire personnel arrived and treated the suspect on scene. Suspect Ochoa was then transported via ambulance to Saint Francis Medical Center where he was pronounced dead, under Coroner's Case #2013-03507.

Deputies [redacted] and Mabee sustained minor cuts and abrasions during the altercation, but did not request or require medical treatment.

The object Suspect Ochoa tossed over the fence was later recovered and determined to be a glass pipe used for ingesting methamphetamine. Also, one expended .45 caliber shell casing was recovered from the scene.

Homicide Detectives Sylvia Brossoit and Dan McElderry responded and handled the criminal investigation. *For further, refer to the complete Homicide case book, presented as **Exhibit A**, and Homicide's case closeout letter, presented as **Exhibit N**, of this case book.*

On January 23, 2014, Deputy District Attorney Geoffrey Rendon from the Justice System Integrity Division of the Los Angeles County District Attorney's Office concluded

On January 23, 2014, Deputy District Attorney Geoffrey Rendon from the Justice System Integrity Division of the Los Angeles County District Attorney's Office concluded that Deputy Michael Mabee acted in lawful self-defense and defense of another. *For further, refer to a copy of the District attorney's letter of Opinion, presented as* ***Exhibit O****, of the case book.*

INVOLVED PERSONNEL:
MABEE, Michael J.
Deputy Sheriff, Employee [redacted]
South Patrol Division/Lakewood Sheriff's Station – Patrol Deputy

WORK HISTORY:

Date of Employment:	01/25/2006
Date assigned to LKD:	[redacted]
Completed Patrol Training:	
Prior Shooting Incident(s):	
Prior Founded Force Incident(s):	

IAB NOTE: Since this shooting, Deputy Mabee was [redacted]

[redacted].
Deputy Sheriff, Employee [redacted]
South Patrol Division/Lakewood Sheriff's Station – Patrol Deputy

WORK HISTORY:

Date of Employment:	09/13/2006
Date assigned to LKD:	[redacted]
Completed Patrol Training:	
Prior Shooting Incident(s):	
Prior Founded Force Incident(s):	

EMPLOYEE WITNESS:
None.

NON-EMPLOYEE WITNESS:
None.

> **IAB NOTE:** The area was canvassed for possible witnesses, but no one actually witnessed the force and/or the shooting. *For further, refer to the supplemental reports regarding the canvassing of witnesses, presented in the Homicide case book as **Exhibit A, pages 34 thru 39 and 44**, in this case book.*

SUSPECT INFORMATION:
OCHOA, Ignacio Demetrio, MH/37, DOB: 12/22/75, 5' 08", 163 lbs. *(Deceased)*

CII #[redacted], CCHRS #[redacted], MAIN #[redacted], FBI #[redacted].

A check of CCHRS/CII (Consolidated Criminal History Reporting System/Criminal Information Index) revealed that Suspect Ochoa had [redacted] *For further, refer to a copy of Suspect Ochoa's CCHRS/CII printouts, presented in the Homicide case book, **Exhibit A, pages 55 thru 71**.*

INJURIES:
Deputy Mabee sustained a swollen and jammed left arm, swollen left thumb, minor abrasions and superficial scratches to his right arm and discomfort to his genitals.

Deputy [redacted] sustained minor scratches and scrapes to both hands, left elbow, left shin and right knee.

Both employees declined medical treatment. *For further, refer to the printed photographs and/or the CD, which contain photographs of the involved deputies' injuries taken by the Crime Lab, presented as **Exhibits D, F and I**, in the case book.*

Suspect Ochoa sustained minor scratches on his upper back/right shoulder, a quarter-inch laceration on his lip, three abrasions on his forehead, an abrasion to his left elbow and right bicep, a vague bruise to his left knee and one gunshot wound to his abdomen, which resulted in his death. *For further, refer to the supplemental report regarding Suspect Ochoa's transportation to the hospital and the Coroner's Office autopsy report, under Coroner's case #2013-03507, presented in the Homicide case book, **Exhibit A, pages 33, and 72 thru 89**, the CD containing Crime Lab's photographs of the suspect's clothing **(Exhibit L)**, and/or the autopsy photographs taken by the Coroner's Office, **(Exhibit M)**, in the case book.*

IAB NOTE: Per the Forensic Science Laboratories' Analysis Summary Report, Suspect Ochoa had amphetamine, methamphetamine and carboxy-THC in his system. *Refer to the report, presented in the Homicide case book,* ***Exhibit A, page 83***.

PHYSICAL EVIDENCE:

Located in the gated front yard, one property east of the location [redacted] Richfield Avenue) was a glass pipe. Located on the sidewalk, adjacent to the wood fence at the north property line at [redacted] Richfield Avenue was a stainless steel bicycle. Located next to and in the area of the bicycle were a baseball cap and a pair of handcuffs.

Located on the driveway ramp in front of [redacted] Richfield Avenue (location) was a single black shoelace, a Hobble Restraint Device and a right-footed black boot. Located in the street outside the driveway ramp was a left-footed black boot and blue headphones. Lying in the middle of the sidewalk in front of [redacted] Richfield Avenue was a black colored cellular phone with a blue wire headphone, a black leather wallet and a black t-shirt. Just north on the t-shirt were blood drops and stains.

Located in the grass parkway, west of the driveway at [redacted] Richfield Avenue, was a .45 caliber cartridge case. *For further, refer to the (2) photographs of the recovered casing and the CD containing photographs of the recovered casing, presented as* ***Exhibit I****, in the case book.*

The evidence was documented, gathered and photographed by Senior Criminalist [redacted], and Deputies Charles Garcia and John Chun. *For the complete scene and physical description, refer to the Homicide case book, presented as* ***Exhibit A, pages 1 thru 9***.

For the actual collection of evidence and the crime scene sketch/diagram, refer to the supplemental reports by Deputies Garcia and Chun, presented in ***Exhibit A, pages 47 thru 50****, and the CD's, which contain photographs of the scene, the involved employees, the recovered evidence, the suspect's clothing and Deputy Mabee's handgun, presented as* ***Exhibits I, J, K and L****, in this case book.*

After the shooting incident, surveillance video was obtained from a security camera that was located on an apartment building [redacted] Richfield Street) located across the street from where the incident occurred. *For further, refer to the Supplemental Report regarding the video retrieval, located in the Homicide case book,* ***Exhibit A, pages 45 and 46****, and the video review,* ***page 19****. A copy of the surveillance video is located in* ***Exhibit H****, of this case book.*

INVESTIGATORS' OBSERVATIONS:

The area of the force and shooting incident occurred in a residential area, which consisted of single family houses and multi-level apartment buildings.

The force incident started on the south sidewalk, just east of the residence at [redacted] Richfield Street, which is an east/west roadway. The shooting occurred on the sidewalk in front of the driveway at [redacted] Richfield Avenue.

The north/south street west of Richfield Avenue is Texaco Avenue, which dead-ends into Richfield Avenue from the south side. The north/south street east of Richfield Avenue is Garfield Avenue. Richfield Avenue dead-ends into Garfield Avenue on the east side.

On the north side of the street where the force/shooting incident occurred are several different apartment complexes. There were numerous parked vehicles on both the north and south sides of Richfield Avenue. Lying on the south sidewalk east of [redacted] Richfield Avenue was a bicycle, baseball cap and a pair of handcuffs. Lying on the sidewalk in front of [redacted] Richfield Avenue was a Hobble Restraint, a pair of boots, a cellular phone and clothing. There appeared to be dried blood stains on the sidewalk, near the clothing. *For the complete scene description, refer to the Homicide case book, presented as* ***Exhibit A, pages 5 thru 9****, in the case book.*

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy [redacted] used control holds.

Deputy Mabee used control holds and attempted to handcuff the suspect. He punched the left side of Suspect Ochoa's face one to two times with his left fist, punched the suspect's left abdomen/rib cage area one to two times with his right fist, kneed the suspect's chest one to two times, and handcuffed the suspect. He also fired one round from his Department-approved .45 caliber, Sig Sauer, Model P220 Elite, semi-automatic handgun, serial [redacted] with "WIN" .45 caliber brand ammunition.

Deputy Mabee carried his weapon with 10 rounds in the magazine and one in the chamber. During this incident, he fired one round at the suspect, striking him in the abdomen. Following the shooting, Deputy Mabee's handgun was recovered by Homicide detectives. Deputy Mabee had 10 total live rounds.

The handgun and ammunition were submitted to Deputy John Chun from the Crime Lab under receipt number K457188. Firearms Examiner Deputy David Kim later test-fired the firearm and found it to be functional and within Department standards, under sub-receipt #K508956. *For further, refer to the firearms supplemental reports, presented in* ***Exhibit A, pages 49 and 51 thru 53****.*

On January 11, 2011, Deputy Mabee was authorized to carry the Sig Sauer handgun, which he used in this shooting. Previous to this shooting, Deputy Mabee last qualified with his firearm on [redacted]. *For further, refer to his Weapons, Shooting, and Training Records, presented as* ***Exhibit D****, in the case book.*

WEAPONS USED BY THE SUSPECT:

Suspect Ochoa was uncooperative and resistive. He kicked and pushed Deputy [redacted] knocking him to the ground. He elbowed and kicked Deputy Mabee and grabbed the genitals of Deputies [redacted] and Mabee. He also grabbed Deputy [redacted] gun belt and attempted to grab Deputy [redacted] handgun by unfastening the holster strap. *For further, refer to the photographs of Deputy* [redacted] *and his un-strapped holster, presented as* ***Exhibit B****, in the case book.*

PROPERTY DAMAGE:

There was no property damage caused by deputy personnel during this incident.

CRIMINAL INVESTIGATION CHARGES:

Investigator's Name:	Homicide Detectives Dan McElderry [redacted] and Sylvia Brossoit [redacted]
Court:	None.
Charges Filed:	None.
DA Case Number:	None.

There were no charges filed against Suspect Ochoa as he succumbed to his gunshot wound. Deputy District Attorney Geoffrey Rendon from the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office concluded that Deputy Mabee acted in lawful self-defense and defense of another. Therefore, they are closing the file and will take no further criminal action. *For further, refer to a copy of the Homicide's case closeout memo* ***(Exhibit N)*** *and a copy of the District Attorney's Letter of Opinion, presented as* ***Exhibit O****, in the case book.*

LIGHTING AND WEATHER CONDITIONS:

It was a clear and comfortable evening in the springtime. On the south side of Richfield Avenue, there was an overhead street light post on the west side property line of [redacted] Richfield Avenue (location) and an overhead street light post on the east side property line of [redacted] Richfield Avenue. *For further, refer to the Crime Lab DVD/photographs and the crime scene sketch, presented as* ***Exhibits J and K****, in the case book.*

INVOLVED EMPLOYEES' STATEMENT:
DEPUTY MICHAEL MABEE

*On May 15, 2013, at approximately 0235 hours, Homicide Detectives Dan McElderry and Sylvia Brossoit interviewed Deputy Michael Mabee at the Paramount Sub-station. Deputy Mabee was represented by Attorney Alfonso Estrada from the Law Offices of Green & Shinee. For Deputy Mabee's summarized statements, refer to the Homicide case book, presented in **Exhibit A, pages 14 thru 17**. For Deputy Mabee's complete statements, refer to the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the **Transcribed Interviews-Involved Employees, Homicide Interview**, section of the casebook.*

*On August 26, 2014, at approximately 1134 hours, Deputy Michael Mabee was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. Deputy Mabee was represented by Attorney Dale Nowicki from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the **Transcribed Interviews-Involved Employees, IAB Interview**, section of the casebook.*

Deputy Michael Mabee stated he and Deputy [redacted] had been partners for approximately 13 months prior to this incident. He was the driver and Deputy [redacted] was the book-person in a two-person, no-call patrol unit.

Because of known gang and narcotics activity, Deputy Mabee drove in an area known as the "gas streets" (Texaco Avenue and Exeter, Petrol and Richfield Streets). As he drove northbound on Texaco Avenue south of Richfield Street, peripherally, he saw a "runner" or "bicyclist" go eastbound onto Richfield Street. He told Deputy [redacted] what he saw and accelerated to Richfield Street where he turned east bound.

Driving at 10-15 miles per hour, Deputy Mabee observed a male (Suspect Ochoa) riding a bicycle eastbound on the south sidewalk of Richfield Street. Deputy [redacted] used his spotlight and illuminated the bicyclist as Deputy Mabee paralleled the bicyclist, but was slightly behind (west) the bicyclist as he continued to pedal east bound on the sidewalk. Deputy Mabee focused on the road conditions/traffic and told Deputy [redacted] to monitor the bicyclist for any traffic or penal code violations.

As Deputy Mabee was saying this, he heard a loud crash coming from the south sidewalk area. Almost simultaneously, Deputy [redacted] yelled at him to stop the patrol car because the bicyclist had tossed something into a yard. Believing the bicyclist had possibly discarded contraband, Deputy Mabee immediately stopped the patrol vehicle approximately 10-15 feet east of the fallen bicyclist.

Deputy [redacted] exited the patrol car and made contact with the fallen bicyclist, assisting him up from the ground. By the time Deputy Mabee exited the patrol car, he saw that Deputy [redacted] had placed the suspect in a cursory search position with the suspect's hands clasped behind his back, faced north toward the roadway.

As Deputy Mabee went to assist Deputy [redacted] Deputy [redacted] told him to look in the yard located south of the sidewalk. Standing less than ten feet from Deputy [redacted] and the suspect, Deputy Mabee shined his light into the wood-fenced yard and saw a shiny object, which appeared to be a narcotics pipe. *For further, refer to photographs of the recovered narcotics pipe, presented as **Exhibit J**, in the case book.*

Two to three seconds later, before Deputy Mabee could retrieve the pipe, Deputy [redacted] advised Deputy Mabee to come and assist him in handcuffing the suspect because the suspect was not cooperating.

When Deputy Mabee turned and looked, he saw Deputy [redacted] holding the suspect's hands behind his back, but the suspect was moving his body from side to side and would not relax per Deputy [redacted] instructions.

Removing his handcuffs, Deputy Mabee approached and stood on Deputy [redacted] right side. Deputy Mabee leaned in front of Deputy [redacted] body and reached across the suspect's arms to apply a cuff to the suspect's left wrist. As Deputy Mabee started to latch the handcuff around the suspect's wrist, along with the click sound from the cuff, the suspect immediately pulled forward going toward the street (north) in an attempt to break free from Deputy [redacted] grasp, which was not successful.

Suspect Ochoa then began to kick and elbow backwards at them while he screamed to be "let go." As Deputy Mabee reached out in an attempt to grab a hold of the suspect's arms, he dropped his handcuffs onto the ground. Deputy Mabee attempted to grab onto the suspect's body, but was unsuccessful because the suspect kicked and elbowed them (deputies).

Deputy Mabee stated that as quickly as the suspect went forward, the suspect then pushed his body backwards (south) striking Deputy [redacted] body, which caused them both to fall backward into the wood fence, then onto the ground.

Deputy [redacted] landed on his back, slightly to the left side and Suspect Ochoa landed on the ground to the left of Deputy [redacted] left shoulder. Standing two to three feet from them, Deputy Mabee went toward them. As he did this, the suspect immediately jumped to his feet and ran in a northwest direction across the sidewalk. Deputy Mabee believed he was going to broadcast radio transmissions for containment of the suspect as he assisted Deputy [redacted] up off the ground.

As soon as Deputy [redacted] stood up off the ground, they both turned in a northwest direction with Deputy Mabee standing adjacent to Deputy [redacted] right shoulder, when all of a sudden the suspect stopped on the apron of the driveway, approximately 10 feet away and turned to face them.

The suspect bent his upper body forward, lowered his head and with outstretched arms, he charged at Deputies Mabee and [redacted] while he yelled out something unintelligible. The suspect's head struck the left side of Deputy Mabee's upper chest area and used his left arm to wrap around Deputy Mabee's right-side waistline area. Deputy Mabee believed the suspect's head struck the right side of Deputy [redacted] and that the suspect wrapped his right arm around the left side of Deputy [redacted] waistline.

Deputies Mabee and [redacted] yelled at the suspect to stop fighting and to lie on the ground, but the suspect continued to hold them while he pushed his head into their (deputies) bodies, forcing them backward. Deputy Mabee was positioned the right side of Deputy [redacted] Both deputies were faced westbound and the suspect was faced eastbound on the apron of the driveway, adjacent to the sidewalk, at the location.

Deputy Mabee punched the left side of Suspect Ochoa's face one to two times with his left fist, punched the left side of the suspect's abdomen/rib cage area one to two times with his right fist, used his right knee in an upward motion to strike the suspect's chest area one to two times and attempted to push the suspect's body backward, which was ineffective.

Deputy Mabee broadcasted [redacted] radio transmissions twice, but did not hear a response from the Sheriff's Communication Center (SCC). When he checked the power switch, he realized it was turned off, which was not that way when he exited his patrol car.

Deputy Mabee then reached across his body to remove his baton. As he did this, Suspect Ochoa grabbed his testicles and squeezed so hard that it caused his (Mabee's) eyes to tear up, so Deputy Mabee yelled out to Deputy [redacted] and told him what happened. As soon as he finished telling Deputy [redacted] what happened, he heard Deputy [redacted] yell out, "He's got my gun, he's going for my gun!"

Believing the suspect disarmed Deputy [redacted] and was going to shoot Deputy [redacted] or himself, Deputy Mabee removed his handgun from his holster. With Deputy [redacted] positioned at his left side/shoulder area and out of the line of fire, Deputy Mabee placed the barrel against the left side of the suspect's abdomen and warned that he was going to shoot. The suspect continued to fight them and Deputy [redacted] continued to yell out, "He's got my gun," so Deputy Mabee pulled the trigger.

Deputy Mabee heard a "click" and realized the handgun did not fire. After two to three seconds of processing why the weapon did not fire, Deputy Mabee realized the slide would not go forward when pressed against the suspect's body. He pulled the barrel away from the suspect's abdomen one to two inches and quickly pulled the trigger, which fired one round striking the suspect's abdomen.

The gunshot had an immediate effect on Suspect Ochoa. He stopped fighting them and his body weight dropped onto Deputies Mabee and [redacted] knocking them all to the ground. Deputy [redacted] landed on his back with the suspect's chest on top of him, and Deputy Mabee landed on his knees across the suspect's legs.

Deputy Mabee went over to the suspect, placed him on his stomach on the ground, and handcuffed him. He then rolled the suspect onto his right side so that the gunshot wound was facing up. Deputy [redacted] then got up off the ground. Deputy Mabee asked the suspect if he was okay and the suspect told him he was fine. Deputy Mabee put out emergent radio transmissions and requested an ambulance.

While Deputies Mabee and [redacted] waited for medical personnel, Deputy Mabee used his hands to apply pressure to the gunshot wound, which did not bleed a lot. He also asked the suspect questions, such as his name and family, but the suspect only screamed and groaned as he had done in his initial attempt not to be handcuffed.

Fire personnel arrived and treated the suspect. Assisting deputy personnel arrived and removed Deputies Mabee and [redacted] from the scene.

Deputy Mabee stated when he initially saw the bicyclist, he was uncertain if they were going to contact the suspect unless he (suspect) violated any laws. But then he heard a crash sound and Deputy [redacted] yell out that the suspect tossed something.

During the struggle with the suspect, Deputy Mabee could not see Deputy [redacted] actions, but felt that Deputy [redacted] was trying to control the suspect's hands/arms. Because of being in close quarters with the suspect, Deputy Mabee did not consider using O.C. Spray in this incident.

Deputy Mabee stated that when the suspect ran after he and Deputy [redacted] fell to the ground, the suspect had the opportunity to escape as they were not going to chase him. But the suspect stopped, turned, and attacked them (deputies). He said from the time the suspect got up from the ground up to the shooting and handcuffing, 10-15 seconds had elapsed.

Deputy Mabee estimated that from the time he exited the patrol car up to the time the suspect was shot and handcuffed, less than one minute had elapsed. He believed his radio was turned off during the struggle with the suspect. *For further, refer to Deputy Mabee's radio transmissions, photographs of his injuries, a copy of his Weapons, Shooting and Training Records, and his diagram depicting the scene, presented as* ***Exhibits C, D and E****, in the case book.*

DEPUTY [redacted]

On May 15, 2013, at approximately 0210 hours, Homicide Detectives Dan McElderry and Sylvia Brossoit interviewed Deputy [redacted] at the Paramount Sub-station. Deputy [redacted] was represented by Attorney Alfonso Estrada from the Law Offices of Green & Shinee. For Deputy [redacted] summarized statements, refer to the Homicide case book, presented in ***Exhibit A, pages 11 thru 13****. For Deputy [redacted] complete statements, refer to the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the* ***Transcribed Interviews-Involved Employees, Homicide Interview****, section of the casebook.*

On August 26, 2014, at approximately 1002 hours, Deputy [redacted] was interviewed by IAB Sergeant Dinah Grote at the Internal Affairs office. Deputy [redacted] was represented by Attorney Dale Nowicki from Green & Shinee. Below is a summary of the interview. Precise wording may be obtained by reviewing the digitally audio recorded interview located in IAB's audio files, and/or the verbatim transcripts listed under the ***Transcribed Interviews-Involved Employees, IAB Interview****, section of the casebook*

Deputy [redacted] stated he and Deputy Mabee had been working together in a two-person, no-call patrol car for approximately 13 months prior to this incident. He was the book-person and Deputy Mabee was driving.

He said they were patrolling the area known as the "gas streets" because the east/west streets are named; Petrol, Exeter and Richfield. The area was also known for having high gang activity and narcotics-related arrests in which they (Mabee and [redacted] made several prior narcotics-related arrests from that area.

As Deputy Mabee drove northbound on Texaco Avenue, he told Deputy [redacted] that he saw a "flash" of either someone running or riding a bicycle going eastbound on Richfield Street. Deputy [redacted] said it was dark outside and when Deputy Mabee turned eastbound on Richfield, he and Deputy Mabee saw a bicyclist traveling eastbound on the south sidewalk of Richfield Street at a high rate of speed.

Deputy Mabee drove eastbound toward the bicyclist who was approximately 60 feet east of Texaco Avenue. Deputy Mabee caught up to the bicyclist and paralleled him, slightly to his rear (west). Deputy [redacted] then illuminated the bicyclist (Suspect Ochoa) with his spotlight. The bicyclist turned and looked at Deputy [redacted] with a panicked look. He then turned and looked to the south side of the sidewalk and threw a small object over a wooden fence into the front yard of a residence. As the suspect did this, he collided into the wooden fence.

Deputy [redacted] immediately told Deputy Mabee to stop the car because the suspect tossed something into a yard, which he ([redacted] believed was possibly related to narcotics. Because the suspect came to an immediate stop after colliding into the fence, the patrol car passed the suspect approximately 15 feet before Deputy Mabee stopped the car.

Deputy [redacted] immediately exited the patrol car, walked southwest onto the sidewalk and contacted the suspect who was trying to get up from the ground. Pending a narcotics investigation, Deputy [redacted] detained the suspect by grabbing onto his arms and placing them behind his (suspect's) back, while assisting the suspect up off the ground.

As Deputy [redacted] did this, he stood behind the suspect on the sidewalk and was faced in a northeast direction, toward the roadway (Richfield Avenue). The suspect appeared agitated and spoke English with a thick accent repeatedly stating he was just going to his friend's house and for Deputy [redacted] to let him go.

At this point, Deputy Mabee had already exited the patrol car and was on the sidewalk approximately six to ten feet east of Deputy [redacted] and the suspect.

Deputy [redacted] stated that in working with Deputy Mabee, their plan was for one deputy to detain an individual while the other retrieved any potential evidence or contraband that was discarded. He said this is what they did in this incident.

Deputy [redacted] told Deputy Mabee to check the fenced yard, while he ([redacted] placed the suspect's hands together to conduct a cursory pat-down search for weapons and/or contraband. As Deputy [redacted] attempted to place the suspect's hands together, the suspect tensed his body and turned his head and upper torso back toward Deputy [redacted] telling Deputy [redacted] that he (suspect) was okay and that he was just going to a friend's house.

Deputy [redacted] maintained control of the suspect's wrists, but he was unable to clasp them together because of the suspect's movements to turn back toward him ([redacted] Although Suspect Ochoa was not assaultive or resistive, he would not place his hands together as instructed by Deputy [redacted] which made Deputy [redacted] believe he was possibly under the influence of narcotics.

Deputy [redacted] realized he could not get the suspect's hands clasped together and feared the situation would escalate, so he told Deputy Mabee to assist him in handcuffing the suspect. The suspect continued to yell out that he was going to his friend's house and to be let go.

Deputy Mabee arrived on Deputy [redacted] right side (east) and immediately removed his handcuffs to place it around the suspect's left wrist. Deputy [redacted] heard the ratchet on the handcuff make a click sound and believed the cuff had latched onto Suspect Ochoa's wrist. However, it did not and Suspect Ochoa became uncooperative as he pulled, twisted and turned his body, which caused Deputy [redacted] to lose control of his arms.

Still positioned behind the suspect, Deputy [redacted] attempted to gain control of the suspect's arms, but he (suspect) elbowed backwards at Deputies [redacted] and Mabee and also attempted to kick them.

Deputy [redacted] stated the encounter was very fluid and fast. Although he did not see Deputy Mabee's actions, he recalled Deputy Mabee being on his ([redacted]) right side and possibly trying to control the suspect as well. He said as the suspect struggled with them (deputies) for a few seconds, they all turned and were now faced in a westerly direction with Deputy [redacted] still standing behind the suspect. With Deputy Mabee on his right side, Deputy [redacted] tried to wrap his arms around the suspect's torso.

When Deputy [redacted] did this, Suspect Ochoa pushed him sideways against the wood fence, which caused Deputy [redacted] left elbow to strike the fence before they both fell onto the sidewalk. Deputy [redacted] said his radio's microphone also fell off of his shirt. He also believed Deputy Mabee fell with him and the suspect, but did not see how Deputy Mabee landed. The suspect landed flat on his stomach with Deputy [redacted] landing on top of the suspect's lower back area.

Almost immediately, Suspect Ochoa pushed up off the ground and threw Deputy [redacted] off his (suspect's) back. As Deputy [redacted] stood up, Deputy Mabee stood on his right side. Suspect Ochoa then ran at them with his upper body bent forward at the waist and his head pointed at them (deputies) as if he were going to "tackle" them.

The suspect's head struck Deputy [redacted] right side rib cage area. With the suspect still bent forward into his chest area, Deputy [redacted] was able to get his left arm around the left side torso area of the suspect. He attempted to use his right arm to grab onto the suspect, but was unable to because his right arm was wedged up in between the suspect and Deputy Mabee, which exposed his gun side.

As the suspect continued to struggle with them, Deputy [redacted] heard Deputy Mabee say in a panicked voice that the suspect was grabbing his genitals. Deputy [redacted] looked to his right and saw pain in Deputy Mabee's face. Almost immediately, Deputy [redacted] felt a violent "tug" on his genitals and then felt a violent pull on his holster and handgun. The tug caused his holster and gun belt to slide from his right hip to the front of his waistline.

Deputy [redacted] maintained control of the left side of the suspect's body with his left arm and lowered his right elbow down onto his holster, while he yelled out to Deputy Mabee that the suspect was attempting to get his gun. Deputy [redacted] then heard Deputy Mabee tell the suspect to stop fighting and to give up or he (suspect) was going to be shot, but the suspect did not comply.

Peripherally, on his right side, Deputy [redacted] saw Deputy Mabee make a motion as if he (Mabee) were retrieving his handgun from his (Mabee's) holster. Deputy [redacted] then heard one gunshot and the suspect screamed out. He said all three of them then fell to the ground and he saw blood coming from the left side of the suspect's stomach area. The suspect no longer fought the deputies, so they (deputies) were able to control the suspect's hands and he was handcuffed. He then did a quick pat-down search of the suspect's pockets and waistband to insure the suspect was not armed.

Deputy Mabee then used his radio to broadcast the deputy-involved shooting and requested medical personnel to respond. The suspect was turned to his side and the deputies monitored his breathing and airway. Deputy [redacted] stated that although the suspect did not respond to their questions, he screamed and cried out in pain up until fire/rescue personnel arrived several minutes later.

As the paramedics treated the suspect, Deputy [redacted] looked over the wooden fence where he saw Suspect Ochoa discard the object. In the grass lot he saw a glass pipe, which is commonly used for ingesting narcotics. *For further, refer to photographs of the recovered narcotics pipe, presented as* ***Exhibit J****, in the case book.*

Deputy [redacted] described the suspect's actions as going from zero to 60, which turned "violent" and that Suspect Ochoa had a lot of strength for his (suspect's) build. He did not have time to retrieve his O.C. spray because they (deputies) were now involved in a fight and close up with the suspect.

Deputy [redacted] sustained several minor abrasions during the incident from either falling onto the sidewalk, into the wood fence, or just in the struggle to control the suspect. He was unsure if the suspect had actually kicked him because the incident occurred so quickly. He sustained abrasions and scratches on his hands, knuckles, left elbow and shin, and right knee. He described the tug on his groin as being brief with no pain.

Deputy [redacted] estimated that from the time he exited to patrol car up to when the suspect was handcuffed, 45 seconds had elapsed. He said the incident was "extremely quick." Other than hearing the gunshot, Deputy [redacted] did not witness any other force used by Deputy Mabee. He stated he had tunnel-vision in that he was trying to control the suspect's arms and believed Deputy Mabee was trying to do the same thing. *For further, refer to photographs of Deputy* [redacted] *unfastened holster strap, photographs of his injuries, a copy of his Training Records and his diagram depicting the scene, presented as* ***Exhibits B, F and G****, in the case book.*

EMPLOYEE WITNESS STATEMENT:
None.

NON-EMPLOYEE WITNESSES' STATEMENTS:
None.

> **IAB NOTE:** The area was canvassed for possible witnesses, but no one actually witnessed the force and/or the shooting. *For further, refer to the supplemental reports regarding the canvassing of witnesses, presented in the Homicide case book as* ***Exhibit A, pages 34 thru 39, and 44****, in this case book.*

SUSPECT STATEMENT:
None, deceased. *For further, refer to the Coroner's Office autopsy report, under Coroner's case #2013-03507, presented in the Homicide case book,* ***Exhibit A, pages 33, 72 thru 89,*** *and the CD containing Crime Lab's photographs of the suspect's clothing* ***(Exhibit L)****, and/or the autopsy photographs taken by the Coroner's Office,* ***(Exhibit M)****, in the case book.*

MISCELLANEOUS SECTION:
None.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

January 23, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #13-0341
LASD File #013-09506-1364-013

Dear Captain Harris,

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 14, 2013, fatal shooting of Ignacio Ochoa by Los Angeles Sheriff's Department (LASD) Deputy Michael Mabee. We have concluded that Deputy Mabee acted in lawful self-defense and defense of another.

The District Attorney Command Center was notified of this incident on May 14, 2013. The District Attorney Response Team (DART), comprised of Deputy District Attorney Geoffrey Rendon and Senior Investigator Mike Moursalian, responded to the scene and was given a walkthrough.

The following analysis is based upon reports, photographs, and recordings submitted to this office by LASD Investigator Sylvia Brossoit. The voluntary statement of Deputy Mabee was considered as part of this analysis.

FACTUAL ANALYSIS

On May 14, 2013, at approximately 9:15 p.m., LASD Deputies [redacted] and Michael Mabee were on patrol, in full uniform, traveling in a marked police vehicle near Texaco Avenue and Richfield Street in the City of Paramount. The deputies saw a bicyclist, later identified as Ignacio Ochoa, pedaling eastbound of Richfield. Mabee was driving; [redacted] was in the front passenger seat. Mabee drove alongside Ochoa while [redacted] illuminated Ochoa with the vehicle's spotlight.

Ochoa looked towards the deputies and threw a small object into the front yard of a residence. The deputies believed Ochoa had discarded drugs or drug paraphernalia. Ochoa accelerated away, lost control of his bicycle and crashed into a fence.

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Ochoa fell to the ground with his bicycle on top of him. Mabee stopped the patrol car and both deputies exited the vehicle. [redacted] approached Ochoa, who got to his feet and told [redacted] that he was going to a friend's house. Mabee looked into the front yard of the adjacent residence and saw a glass pipe laying on the grass. [redacted] attempted to detain Ochoa to conduct a pat down search, but Ochoa pulled away from him. [redacted] ordered Ochoa to put his hands behind his back. Ochoa did not comply with [redacted]s orders and [redacted]asked Mabee for assistance. Ochoa's body was tense and he twisted from side to side as the deputies grabbed his arms.

The deputies tried to handcuff Ochoa, who protested and yelled, "No, let me go!" or, "No, no, no!" Ochoa swung his elbows towards the deputies, who were unable to control Ochoa's arms. According to [redacted] Ochoa went, "from zero to sixty," and became extremely violent. Ochoa kicked at the deputies and pushed [redacted]nto a fence. The microphone from [redacted]s handheld radio became detached from his uniform. The deputies continuously ordered Ochoa to stop fighting.

Ochoa tried to run as the deputies continued trying to detain him. Mabee later described the altercation as a "straight dirty bar fight." Ochoa fell to the ground and the deputies fell on top of him. Ochoa stood back up and continued to fight. Mabee stated Ochoa was incredibly strong and he believed that Ochoa was under the influence of drugs.

The struggle continued and Ochoa grabbed Mabee's testicles, causing Mabee to yell for [redacted]s help. [redacted] felt a tug on his firearm, which was in a holster on his hip. [redacted]jammed his elbow on top of his holster to prevent Ochoa from removing the weapon and screamed to Mabee, "He's going for my gun!" Ochoa was positioned between the two deputies.

Mabee withdrew his department-issued Sig Sauer .45 caliber semiautomatic handgun and told Ochoa that he was going to shoot. Ochoa continued to fight with [redacted] and Mabee believed Ochoa was trying to obtain [redacted]s firearm. Mabee, in fear for his life and the life of his partner, placed the muzzle of his firearm against Ochoa's midsection and pulled the trigger. The gun did not fire and Ochoa continued to struggle with [redacted] Mabee pulled his gun back and fired a single shot at Ochoa. Ochoa was struck in the left pelvis and fell to the ground.

The deputies handcuffed Ochoa and called for paramedics and backup assistance. Ochoa was alert and screaming at the deputies. Paramedics arrived a short time later and transported Ochoa to St. Francis Hospital, where he later died as a result of the gunshot wound.

After the altercation, [redacted]discovered that Ochoa had unlatched the safety strap on his holster during the struggle, leaving [redacted]firearm unsecured.

Surveillance Video

Surveillance footage from a nearby residence shows Ochoa being illuminated by the patrol vehicle's spotlight and the vehicle stopping in the middle of the street. The video is grainy and

dark and shows subjects moving around near the driveway of a residence, but does not depict any additional material details.

Postmortem Examination

On May 18, 2013, Deputy Medical Examiner Vadims Poukens performed a postmortem examination of Ochoa's remains. The examination revealed a single fatal gunshot wound to the torso. The bullet severed an artery, which caused internal bleeding resulting in Ochoa's death. A toxicological examination of Ochoa's blood revealed the presence of metabolites of marijuana and methamphetamine.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. "[T]he rule is well established that one who, without fault, is placed under circumstances sufficient to excite the fears of a reasonable man that another designs to commit a felony or some great bodily injury and to afford grounds for a reasonable belief of imminent danger, may act upon those fears alone and may slay his assailant and be justified by appearances." People v. Mercer (1962) 210 Cal. App. 2d 153, 161.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. CALCRIM No. 505.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." People v Collins, (1961) 189 Cal. App.2d 575.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation." Graham v. Conner, (1989) 490 U.S. 386, 396-397.

Under California law, "police may use reasonable force to make an arrest, prevent escape or overcome resistance, and need not desist in the face of resistance [and] in virtue of a police officer's duty to act affirmatively to protect the public, a police officer is 'entitled to the even greater use of force than might be, in the same circumstance, required for self-defense.'" Brown v. Ransweiler (2009) 171 Cal.App.4th 516, citing Munoz v. City of Union City (2004) 120 Cal.App.4th 1077.

CONCLUSION

The evidence examined in this investigation shows that on the evening of May 14, 2013, Deputies Michael Mabee and [redacted] saw Ignacio Ochoa traveling on a bicycle. The deputies illuminated Ochoa, who threw a narcotics pipe into a nearby yard. Ochoa crashed his bicycle and fell to the ground. Mabee and [redacted] attempted to detain Ochoa, who violently resisted their efforts. Ochoa swung his elbows and kicked his legs at the deputies, preventing them from restraining him.

Despite numerous orders to stop fighting, Ochoa continued to struggle with Mabee and [redacted] Ochoa pushed [redacted] into a fence and grabbed Mabee's testicles. While the deputies were trying to handcuff Ochoa, Ochoa unfastened the safety latch on [redacted] holster and grabbed for [redacted] gun. [redacted] yelled, "He's going for my gun."

Fearing that Ochoa was about to gain control of [redacted] weapon, Mabee withdrew his department-issued handgun and warned Ochoa that he was going to shoot. Ochoa continued to fight and Mabee, in fear for his life and [redacted] life, placed the muzzle of the weapon against Ochoa's torso and pulled the trigger. The gun did not fire. Mabee pulled the gun away and pulled the trigger a second time, shooting Ochoa once in the left pelvis. The bullet severed Ochoa's artery and he later died as a result of the gunshot wound.

We conclude that Deputy Mabee acted in lawful self-defense and defense of another. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

GEOFFREY RENDON
Deputy District Attorney
[redacted]

c: Deputy Michael Mabee, [redacted]

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: December 4, 2014

FROM: STEPHEN JOHNSON, COMMANDER
CENTRAL PATROL DIVISION

TO: KEITH SWENSSON, CAPTAIN
LAKEWOOD STATION

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2334516 / FO2334520
Incident:	Hit Shooting / Use of Force
Incident Date:	May 14, 2013
Unit:	Lakewood Station
Suspect:	Ochoa, Ignacio MH/12/22/75
Involved Employees:	Deputy Michael Mabee #[redacted] Deputy [redacted] #[redacted]
EFRC Date:	December 4, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Ralph Webb, and Patrick Maxwell met and reviewed the above case.

FINDINGS:

The EFRC determined the force and tactics used against the suspect was within Department policy.

RECOMMENDATIONS:

The EFRC recommended the Unit Commander, Captain Keith Swensson, conduct a tactical debriefing of the incident with the involved personnel. The debriefing shall address the use of appropriate duty uniforms, and proper tactics and during contacts with potential suspects.

SBJ:RFI:rfi